

**OPINION
72-253**

September 27, 1972 (OPINION)

Mr. Leonard W. D. Campbell
Regional Counsel
Environmental Protection Agency
Region VIII
Suite 900
1860 Lincoln Street
Denver, Colorado 80203

Dear Mr. Campbell:

This is in response to your letter of September 7, 1972, wherein you make inquiry of this office relative to a statement of opinion regarding the North Dakota Water Pollution Control Act. Your letter refers to our letter of May 25, 1972, addressed to Mr. Willis Van Heuvelen, Executive Officer, State Department of Health, wherein this office approved the NORTH DAKOTA WATER QUALITY STANDARDS FOR SURFACE WATERS OF NORTH DAKOTA. Your letter requests a statement of this office as to whether the statutory laws of this state and regulations of the North Dakota Water Pollution Control Board establish enforceable water quality standards for the waters into which the various projects discharge, both as to interstate and intrastate waters.

In this connection, we have examined chapter 61-28 of the North Dakota Century Code, as amended, and the NORTH DAKOTA WATER QUALITY STANDARDS FOR SURFACE WATERS OF NORTH DAKOTA, such being the rules and regulations of the North Dakota Water Pollution Control Board, and find that the same establish water quality standards which are enforceable under pertinent provisions thereunder providing, therefor.

We trust that the foregoing statement is applicable and will be sufficient for your purposes as set out in your letter of inquiry and request.

Sincerely yours,

Helgi Johanneson

Attorney General